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 18 DENNIS MONTGOMERY and the
 19 MONTGOMERY FAMILY TRUST

20 **UNITED STATES DISTRICT COURT**

21 **DISTRICT OF NEVADA**

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23 DENNIS MONTGOMERY and the
 24 MONTGOMERY FAMILY TRUST,

25) Case No. 3:06-CV-00056-PMP-VPC
 26) BASE FILE

27) Plaintiffs,

28) (Consolidated with Case No. 3:06-CV-
 00145-PMP-VPC)

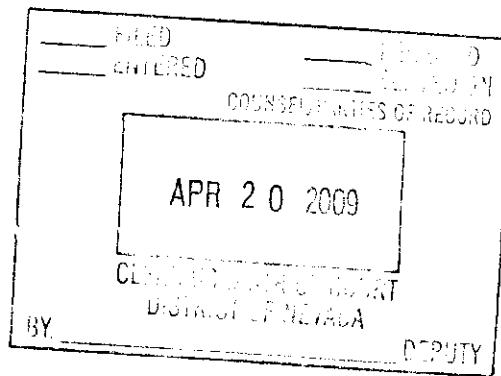
vs.

) **MOTION OF LINER GRODE STEIN
 29 YANKELEVITZ SUNSHINE
 30 REGENSTREIF & TAYLOR LLP TO
 31 WITHDRAW AS COUNSEL OF
 32 RECORD FOR EDRA D. BLIXSETH
 33 AND OPSPRING LLC**

ETREPPID TECHNOLOGIES, LLC, WARREN
 TREPP, and the UNITED STATES
 DEPARTMENT OF DEFENSE,

Defendants.

AND RELATED CASES.



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1 Pursuant to District of Nevada Local Rule 10-6, Liner Grode Stein Yankelevitz Sunshine
2 Regenstreif & Taylor LLP (the "Liner Firm"), and each attorney that has appeared for the Liner
3 Firm, move this Court for an order granting leave to withdraw as counsel of record for Counter-
4 defendants Edra D. Blixseth ("Ms. Blixseth") and Opspring LLC ("Opspring").

5 **I.**

6 **LEAVE TO WITHDRAW SHOULD BE GRANTED**

7 Dennis Montgomery ("Montgomery") and the Montgomery Family Trust (the "Trust") filed
8 the within Complaint on January 31, 2006. Attorneys for the Liner Firm were first admitted *pro*
9 *hac vice* on August 14, 2007 to represent Montgomery and the Trust. Ms. Blixseth and Opspring
10 were named as Counter-defendants in a Counter claim filed on January 11, 2008. On January 22,
11 2008, the Liner Firm entered an appearance on behalf of Ms. Blixseth and Opspring.

12 On or about November 19, 2008, Ms. Blixseth and Opspring executed a settlement
13 agreement with Counter-claimants Warren Trepp and eTreppid Technologies LLC (the "eTreppid
14 Parties"), which resolved all of the Counter-claims pending against Ms. Blixseth and Opspring.
15 (Declaration of Ellyn S. Garofalo ("Garofalo Decl."), ¶ 2.) Pursuant to the terms of the settlement,
16 on December 11, 2008, Confessions of Judgment were entered against Ms. Blixseth and Opspring
17 and in favor of Counter-claimants Warrant Trepp and eTreppid Technologies, LLC. (Docket # 897
18 and # 898.) On February 19, 2009, the Court entered an Order dismissing all Claims and Counter-
19 claims in this matter. (Docket # 962.)

20 There is good cause to allow the Liner Firm to withdraw as counsel for Ms. Blixseth and
21 Opspring. As noted, judgments have been entered and all Claims and Counter-claims have been
22 dismissed. The thirty-day deadline for appeal has expired. Fed. R. App. Proc. 4(a)(1).
23 Accordingly, this matter has been concluded and Ms. Blixseth and Opspring will not be prejudiced
24 by the Liner Firm's withdrawal. Only post-judgment collection proceedings remain. In this
25 regard, on March 26, 2009, Ms. Blixseth filed a voluntary Chapter 11 petition in the United States
26 Bankruptcy Court for the District of Montana. (Garofalo Decl., ¶ 3, Exhibit A.) Accordingly, all
27 proceedings are automatically stayed as to Ms. Blixseth and all post-judgment collection
28 proceedings are within the jurisdiction of the Bankruptcy Court. Consequently, allowing the Liner

1 Firm to withdraw as counsel for Ms. Blixseth and Opspring in this matter, will have no material
2 adverse affect upon the interests of either Ms. Blixseth or Opspring.¹

3 **II.**

4 **CONCLUSION**

5 For the foregoing reasons, there is good cause to grant the Liner Firm's motion for leave to
6 withdraw as counsel of record for Ms. Blixseth and Opspring in this matter. Ms. Blixseth's last
7 known address is 42-765 Dunes View Rd., Rancho Mirage, CA 92270-4311. (Garofalo Decl.,
8 ¶ 4.) Opspring's last known address is 600 106th Avenue NE, Suite 210, Bellevue, Washington,
9 98004-5045. (*Id.*) Both Ms. Blixseth and Opspring have been served with this motion. (*Id.*)

10

11 Dated: April 17, 2009

Respectfully submitted,

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LINER GRODE STEIN YANKELEVITZ
13 SUNSHINE REGENSTREIF & TAYLOR LLP

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By: /s/ Ellyn S. Garofalo

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Ellyn S. Garofalo

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Attorneys for DENNIS MONTGOMERY and
the MONTGOMERY FAMILY TRUST

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IT IS SO ORDERED

U.S. MAGISTRATE JUDGE
DATED: April 20, 2009

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¹ Under the circumstances, this motion is probably unnecessary. It is, however, being filed in an abundance of caution.

CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices of Liner Grode Stein
3 Yankelevitz Sunshine Regenstreif & Taylor LLP, and that on April 17, 2009, I caused to be served
4 the within document described as **MOTION OF LINER GRODE STEIN YANKELEVITZ
SUNSHINE REGENSTREIF & TAYLOR LLP TO WITHDRAW AS COUNSEL OF
RECORD FOR EDRA D. BLIXSETH AND OPSPRING LLC** on the interested parties in this
action as stated below:

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17	<p>18 Greg Addington, AUSA U.S. DEPARTMENT OF JUSTICE 100 W. Liberty Street. Suite 600 Reno, Nevada 89501 19 E-mail: <u>Greg.addington@usdoj.gov</u> (775) 784-5181 - FAX</p>	<p>20 Attorneys for Department of Defense</p> <p>Bridget Robb Peck, Esq. Lewis and Roca LLP 50 West Liberty Street, Suite 410 Reno, Nevada 89501 Tel: (775) 823-2900; Fax: (775) 823-2929 <u>bpeck@lrlaw.com</u></p>
21	<p>22 Roland Tellis, Esq. Marshall B. Grossman, Esq. Heather L. Ristau, Esq. 23 Bingham McCutchen LLP 1620 26th Street, Fourth Floor, North Tower Santa Monica, CA 90404-4060 24 Fax: (310) 907-2143 E-mail: <u>roland.tellis@bingham.com</u>; <u>marshall.grossman@bingham.com</u>; <u>heather.ristau@bingham.com</u></p>	<p>25 Attorneys for Michael Sandoval</p> <p>Robert E. Rohde, Esq. Gregory Schwartz, Esq. Rohde & Van Kampen 1001 Fourth Avenue, Suite 4050 Seattle, Washington 98154 Fax: (206) 405-2825 E-mail: <u>brohde@rohdelaw.com</u>, <u>gschwartz@rohdelaw.com</u></p>
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9 [ELECTRONIC] By filing the document(s) electronically with the U.S. District Court and
10 therefore the court's computer system has electronically delivered a copy of the foregoing
11 document(s) to the persons listed above at their respective email address.

12 I declare under penalty of perjury under the laws of the State of California and the United
13 States of America that the foregoing is true and correct.

14 Executed on April 17, 2009, at Los Angeles, California.

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16 Ellyn S. Garofalo
17 (Type or print name)

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19 /s/ Ellyn S. Garofalo
20 (Signature)

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